**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION No.7761 of 2007**

**Date: 16.04.2007**

Between:

Gajja Gouri Rama Lingaiah Goud.

....Petitioner

And

District Collector, R.R.District at Saifabad, Hyderabad and another.

....Respondents

**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION No.7761 of 2007**

**O R D E R:**

The petitioner filed the instant writ petition seeking a writ of Mandamus to declare the action of the second respondent in not registering the sale deeds of the petitioner relying upon the circular No.E2/406/2001, dated 06.02.2001, issued by the first respondent, as arbitrary and unconstitutional. The petitioner also seeks a consequential direction to the second respondent to register the sale deeds presented by him in favour of the proposed purchaser, by name Sri Ratlavath Lokya S/o. Sakru, in respect of plot bearing No.66A admeasuring 230 square yards in Survey No.44/1 of Munuganoor Village, Hayathnagar Revenue Mandal, Ranga Reddy District.

The Supreme Court of India in ***State of Rajasthan v Basant Nahata***[1], invalidated Section 22-A of the Rajasthan Registration Act, 1976 which is in *pari materia* with Section 22-A of the Registration Act, 1908 as

amended by the Andhra Pradesh Act No.4 of 1999 (for short 'the A.P.Amendment Act'). Following the same, a Division Bench of this Court rendered a Judgment dated 07.12.2005 in W.P.No.14099 of 2003 and batch, declaring Section 22-A of the A.P. Amendment Act, as *ultra vires*.

Following the same, this Writ Petition is allowed, directing the second respondent to accept and register the sale deeds, as and when they are presented by the petitioner, if they are otherwise in order. It shall be open to the second respondent to refuse registration, if it is not compatible, duly furnishing the reasons therefor. In such a case, it shall be open to the petitioner to file an appeal under Section 72 of the Registration Act, 1908. There shall be no order as to costs.

**16.04.2007**

**JSU**

---

[1] (2005) 12 SCC 77